IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 23849 of 2007(L)

AGAINST THE ORDER IN IA 1053/2006 IN O.P.(SUCCESSION) NO.9/2005 of MUNSIFF COURT, PARAVUR

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PETITIONER:

L. SATHI,
PUTHUMANA VEEDU, KOTTAPPURAM VILLAGE,KOLLAM DIST.

BY ADV. SRI.V.VENUGOPALAN NAIR
SRI.S.HARIKRISHNAN

RESPONDENTS: RESPONDENTS:

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1. D. DAKSHYANI, W/O.LATE VELUKUTTY,
PLAVILA VEEDU, VADASSERIKONAM, VARKALA.

2. THE BRANCH MANAGER,
CANARA BANK, MAITHANAM BRANCH, TEMPLE ROAD,VARKALA

3. P.S. VIJAYALAL,
PADMA VILASOM, KOONAYIL, PARAVOOR P.O.,
POOTHAKKULAM VILLAGE.

4. BEENA S.,
PULARI, MANJADIMOODU, CHIRAYINKIZH P.O.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 3/8/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C)No.23849 OF 2007

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Dated this the 3rd day of August 2007

JUDGMENT

This writ petition is filed challenging the order in I.A.No.1053 of 2006 in O.P.(Succ.)No.9 of 2005 of the Munsiff's Court, Paravoor. The 4th respondent in the O.P. moved an application for amendment of his counter statement running to 4 pages and a detailed counter was filed by the petitioner in the O.P., which runs to about equally 4 pages. The learned Munsiff disposed of the matter as 'heard allowed'. This court is not in a position to understand whether the learned Munsiff has applied his mind before allowing the application. It is a settled position that orders can be brief, but not blank. This court had cautioned on many occasions about the same. Since there is no discussion nor materials available, how decision is arrived at, it has to be stated that the order suffers from serious infirmity and therefore it is liable to be set aside and I do so.

I direct the learned Munsiff to restore the interim application to file and dispose of the matter after hearing both sides by a considered order. Since I am disposing of the writ petition at the admission stage itself, the

court shall intimate the 4th respondent in the O.P. before the final disposal of the matter.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-